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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,061	09/19/2006	Kimmo Loippo	0019.0001	3676
56500 7590 01/27/2009 EMERGING STRATEGIES, LLP 7416 LYNNHURST STREET CHEVY CHASE, MD 20815-3102			EXAMINER CHIN, RANDALL E	
			ART UNIT 3723	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,061	Applicant(s) LOIPPO, KIMMO	
	Examiner Randall Chin	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On p. 3, line 4, "suitable" should read –suitably--.

Appropriate correction is required.

Claim Objections

2. Claim 1 is objected to because of the following informalities:

Claim 1, line 10, in the recitation "...a bend or curve", it is unclear whether a "bend" is structurally different from a "curve" or is simply redundant.

Claim 1, line 10, it is not exactly clear as to whether "the blade holder" is actually positively recited (please see claim 1, lines 3-4, which merely recites "...and which is attachable to a blade holder").

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vickery 1,945,761 (hereinafter Vickery) in view of Rata et al. 6,416,843 (hereinafter Rata).

As well as claim 1 is understood, the patent to Vickery discloses in the Figure a spring doctor for cleaning the rolls of a paper machine (p. 1, lines 4-6) during operation comprising a blade that is essentially the width of the roll 3 being cleaned, and "which is attachable to a blade holder" 1 (quoted phrase is not deemed a positive limitation), and operating means defined by either springs or additional weight for creating a desired pressure of said blade against the roll (p. 1, lines 24-27), said blade is curved at cylindrical part 5 on at least part of a length of said blade and deemed "essentially nondeflecting", and has, in an immediate vicinity of an attachment location for the blade holder, a bend or curve at 6 in the Figure. The patent to Vickery discloses all of the recited subject matter as set forth above with the exception of said blade being manufactured from a composite material formed of a matrix and a reinforcement, in which the reinforcement is formed of a fibrous material. The patent to Rata discloses in Fig. 1 a blade (i.e., a doctor blade) manufactured from a composite material formed of a matrix and a reinforcement, in which the reinforcement is formed of a fibrous material (col. 2, lines 50-55; col. 2, line 65 to col. 3, line 9). It would have been obvious to one of ordinary skill in the art to have modified Vickery's blade such that it is manufactured from a composite material formed of a matrix and a reinforcement, in which the reinforcement is formed of a fibrous material as suggested by Rata for the purpose of improving the cleaning of paper rolls as well as preserving the integrity of paper roll

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faces in the paper machine and since it is well known in the art to utilize fibrous reinforcement.

As for claim 2, in Vickery, the blade holder 1 is pivoted around a shaft pivot or pin 2, to be able to be rotated to at least a limited extent.

As for claim 3, said blade has, at a distance from its point, a plate-like dirt protector which could merely be either face at rear edge 4 in the Figure in Vickery.

As for claim 5, in Vickery, said blade is a combination of a curved portion at 6 and an essentially straight portion at flat rear edge 4.

As for claim 6, in Vickery, a thickness of the blade varies over its length, at least at the tip distal end as shown in the Figure.

As for claim 7, in Vickery, said blade thins towards its point at the tip distal end as shown in the Figure.

As for claim 8, Rata teaches a number or orientation of the reinforcing fibres of the composite material of said blade varies (inherently as well) in different parts of said blade (col. 3, lines 1-38 and 49-60).

Conclusion

5. Applicant's arguments filed 21 November 2008 have been fully considered but they are not persuasive.

Applicant argues that three basic criteria must be met under 35 U.S.C.103 to establish a prima facie case of obviousness. First, there must be some suggestion or motivation, either in a reference itself or in knowledge generally available to one of

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ordinary skill in the art at the time of invention, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, a prior art reference, or references when combined, must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on Applicants' disclosure.

With respect to Applicant's first point, the test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. As to Applicant's second criteria, both Vickery and Rata are concerned with doctor blade structures each to be used in a paper roll environment, just as in Applicant's own invention. Furthermore, it is old and well known to manufacture doctor blades of a composite material formed of a matrix and a reinforcement, in which the reinforcement is typically fibrous material. Accordingly, there would be a reasonable expectation of success.

Lastly, the teaching or suggestion to make the claimed combination and the reasonable expectation of success is found in the analogous art references to Vickery and Rata. It will be added also that there is no requirement that a motivation to make a modification be expressly articulated. Again, references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures.

As for Applicant's argument that Vickery describes "enabl[ing] the doctoring edge of the blade to be set at a large angle to the roll, say from 45° to nearly radial, while the

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blade is so supported that it can adapt itself to the roll and the risks of chattering and of damage to the roll to which the steep setting of the blade might give rise are obviated” or that the blade is a “stiff” blade, it is noted that the features upon which Applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Although Vickery may teach a resilient blade, such is not deemed to define over the broad recitation “essentially nondeflecting”. No standard is set forth as to what is or is not “essentially nondeflecting”. “Resilient” could also mean or meet the broad recitation of “essentially nondeflecting”. Further, such might also depend on the speed of the roll.

For these reasons, the rejection of claims 1-3 and 5-8 is deemed proper.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Randall Chin/
Primary Examiner, Art Unit 3723

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